



DELAWARE NUTRIENT MANAGEMENT

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The Delaware Nutrient Management Commission Minutes of the Full Commission Meeting Held January 09, 2007

In attendance:

<i>Commission Members Present</i>	<i>Others Present</i>	
B. Vanderwende – Chair	M. Cooke, DAG	K. Foskey
M. Adkins	M. Brown	P. Hansen
D. Baker	K. Bunting-Howarth	S. Hollenbeck
R. Baldwin	B. Coleman	S. Kepfer
K. Blessing	H. Comegys	C. Roberts
A. Johnson	K. Donnelly	P. Sample
C. Larimore	T. Ferguson	J. Thompson
E. Lewandowski		
J. Manchester		
C. Solberg		

<i>Commission Members Absent</i>	<i>Ex-officios Present</i>	
T. Keen	W. Rohrer	
B. O’Neill	G. Llewellyn	
R. Sterling		
C. West		

This meeting was properly notified and posted as required by 29 Del. C. §10004 et al.

Call to Order/Welcome:

Chairman B. Vanderwende called the meeting to order at 7:00 p.m. and welcomed everyone in attendance.

Approval of Minutes:

- E. Lewandowski motioned to approve the minutes of the December 12, 2006 Full Commission meeting.**
- A. Johnson seconded the motion, which passed unanimously.**

Discussion and Action Items:

Review and act on formal complaint dated October 23, 2006:

B. Rohrer, D. Baker, and B. Coleman left the meeting room.

M. Cooke reviewed the alleged violations, as well as fines and other remedies for the Commission’s consideration. She explained that the Commission could accept, reject, or modify the Proposed Order of the Hearing Officer. C. Solberg noted the extreme diligence put forth by the DNMP staff, and asked how fees are assessed. M. Cooke answered that the \$410 fine was the estimated cost of the hearing itself; and that this amount was requested by the Program Administrator. C. Larimore asked where the fine goes when collected. M. Cooke did not know and suggested that the question be brought to the Program Administrator. B. Vanderwende pointed out that the Defendant was not present to make a statement to the Commission. C. Solberg would like to know procedures followed in assessing fines. \$410 is not a very large fine for 18 months of “fooling around.” M. Cooke answered that the cost of the hearing has been used in the past. C. Solberg would

like fine assessment to be an Agenda item for the next Rules and Regulations Subcommittee meeting. However, he stated that he supports the Hearing Officer's request. J. Manchester agreed. He added that the mix-up with the address "muddied the waters," and stated that in the future extreme care must be used in getting the right information to the right people.

J. Manchester motioned to approve the Hearing Officer's recommendation. B. Vanderwende stated motion heard to approve and charge defendant \$205.

C. Solberg seconded the motion. The vote was 8 in favor, 0 against, 1 abstention. The motion passed.

B. Rohrer, D. Baker, and B. Coleman returned to the meeting room. M. Cooke circulated the Order of the Hearing Officer for Commissioner's signatures, and read same into the record. E. Lewandowski stated that C. Solberg's concerns have been heard, and as Chairman of the Rules and Regulations Subcommittee, he will speak to B. Rohrer so that a dialogue can be opened. C. Larimore asked B. Rohrer where the fine goes. B. Rohrer explained that there is a Penalty Funding Line, and these funds are earmarked for Education and Outreach. J. Manchester again voiced his concern over the use of an incorrect address and asked what can be done to ensure that it doesn't happen again. B. Rohrer explained that there has been a reorganization of case files, separating farm address from physical address. M. Cooke noted that the Defendant waived any notice issues. D. Baker publicly thanked M. Cooke for her assistance with the complaint process and in drafting the Order. B. Vanderwende thanked D. Baker for his involvement with the complaint and hearing as well.

Review and act on Alternative Use Proposal:

B. Rohrer reviewed the alternative use handouts. There was discussion of the proposal. C. Solberg noted that we need to be sure that those receiving assistance are properly licensed in the states of origin.

C. Solberg motioned to approve Quality Mulch Product.

E. Lewandowski seconded the motion, which passed unanimously.

J. Manchester distributed a handout entitled "Effect of Soil Phosphorous Concentration on Pollution Contribution." It detailed how he evaluated the figures provided by Dr. Sims, particularly in Sussex County. He concluded that 15% of the land contributes to 63.1% of the nutrient runoff, and 58% of the land contributes to 3.6% of the nutrient runoff. There was discussion concerning the handout, and J. Manchester requested that the topic again be brought before the Technology Subcommittee. B. Vanderwende agreed that the Technology Subcommittee needs to look at it.

B. Rohrer reviewed the following:

- New Annual Report layout – requested changes have been made. Reports sent out this month and due March 1, 2007.
- State Conservationist funding letter – requested additional \$220,000 in funds.
- Cover letter that has been sent along with BMPs to lawn care companies and golf courses.
- L. Boyer (DNREC) handout sent to Delaware Home Owner's Associations. She will be in attendance at the February 13 Full Commission Meeting.
- Summarized the Administrator's Report, adding that the Penalty Funding Line can be included on this report for the purpose of tracking usage.

E. Lewandowski reminded the Commission of the February 08, 2007 Joint Finance Committee meeting. J. Manchester stated that at the December 12, 2006 meeting, he had provided 4 suggestions to Perdue. He was pleased to report that they have responded to his request. B. Rohrer noted that DNREC has prepared presentations for the Commission for the February 2007 meeting, and that Dr. Sims has prepared a presentation for the March 2007 meeting.

B. Vanderwende expressed his concerns of the December 12, 2006 meeting. He noted the importance of the Commissioner's acting in a professional manner. The EPA is here to stay, and you can "catch more flies with honey than vinegar." He challenged the Commission to act professionally to add credibility to this Commission, and to protect the important relationships that have been formed.

Subcommittee Reports: Budget Subcommittee

C. Larimore, Chairman of the Budget Subcommittee, declined to give report.

Administrator's Report: Refer to the attached Administrator's Report

B. Rohrer explained the Administrator's Report. He noted that the Funding Line given to Fines and Penalties could be added to this report for the purposes of tracking and usage.

Public Comments:

K. Foskey thanked the Commission for listing the 8 CAFOs, noting that this has been a big help.

Next Meeting:

The next meeting of the Full Commission is scheduled for February 13, 2007 at 7:00 pm.

Adjournment:

Chairman B. Vanderwende adjourned the meeting at 8:00 p.m.

Approved,

W. Vanderwende, Chairman
WRR/psd